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ITEM NO. (bundle)	COPY NUMBERS OR RECORDING SERIAL NUMBERS	TITLE OR CATEGORY	TYPE
1	D6/49/69	Memorandum w/statement on Ervin Bill	SECRET

SIGNATURE

Betty J. Johnston

FORM A 1295 NOV 66 (Supersedes A1295, A1295A and SG-10 MAR 60)

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Next 24 Page(s) In Document Exempt

OGC 69-1208

25 June 1969

MEMORANDUM FOR: Legislative Counsel

SUBJECT: 50 U.S.C. 783(b) and S. 782

1. The undersigned talked with [] General Counsel, NSA. I generally briefed him on our past work on the amendment to 50 U.S.C. 783(b) and its current status. At his request, I am sending him a copy of our draft and an explanatory note of the purpose.

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2. I also briefed [] on Ervin polling his Subcommittee on S. 782. This was news to [] I indicated we were making efforts through Frank Bartimo and possibly Fred Buzhardt to determine Thurmond's position. [] thereupon informed me that he and General Carter have discussed this with Thurmond. Apparently Thurmond has been given a lot of scare stories by Ervin on psychological and polygraph testing. Thurmond's position was that he did not like these tests and he would have to go with Ervin on the bill.

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[]
JOHN S. WARNER
Deputy General Counsel

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S. 782

MEMORANDUM FOR: JMM

This has not been signed per



Mr. Houston's secretary.

gs-16 June 1969

*Hold in Bill's file
again*

(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)

69-2348

OGC 69-0830

The President
The White House
Washington, D. C. 20500

My dear Mr. President:

I am enclosing a copy of S. 782, "A Bill To protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy." An identical bill in the last Congress, S. 1035, passed the Senate, but was not acted upon in the House, although hearings were held by the House Post Office and Civil Service Committee.

Whatever its basic merits, S. 782 gives me great concern because of the impact on personnel security and security of information, particularly in intelligence components and other units handling highly sensitive material. I am responsible by law for the protection of intelligence sources and methods from unauthorized disclosure, and the integrity of personnel in the intelligence community is absolutely essential in carrying out this responsibility. The disastrous effect of failures in this field has been amply demonstrated by such cases as Sergeant Dunlap of the National Security Agency and Kim Philby of British Intelligence.

What S. 782 does in essence is to inhibit our ability to obtain full information about our employees and to impair the command and disciplinary system essential to good personnel administration. The first is explicit in the terms of the bill. The second grows out of three provisions:

The first would give the employee right to counsel at the first questioning as to conduct.

The second is the creation of a Board on Employees' Rights to which employees or applicants can appeal directly and which would have disciplinary power over officers they held to be in violation of the act.

The third is a provision giving immediate access to the Federal courts without exhausting administrative remedies to any employee or applicant who felt his rights under the act had been violated.

In addition to the administrative problems obvious herein is the potential for exposure of sensitive information in the Board proceedings or in Federal court actions. Also, the opportunity for a deliberate campaign of harassment by applicants is apparent.

While my immediate concern is, of course, for the personnel of the Agency for which I am responsible, the problem reaches not only to other intelligence components but obviously to the recipients of sensitive intelligence information, since there should not be two standards of security for people who handle the same material. The Secretary of State and the Secretary of Defense share my concern in this respect.

Should S. 782 be enacted in its present form, I believe the only satisfactory solution is an exemption for those employees with access to sensitive information relating to the field of intelligence. I recommend that you approve efforts by me and other appropriate representatives of the executive branch to seek such an exemption.

Respectfully yours,

Richard Helms
Director

Enclosure

OGC:LRH:jeb

O-Addressee

1-DDS

1-ExDir

1-Legislative Counsel

1-The Director

1-General Counsel

1-ER

1-DDCI